

### REMARKS

This application has been reviewed in light of the Office Action dated August 10, 2005. Claims 1, 3, 4, 6 and 9 are pending in this application of which Claim 1 is the only independent claim. Claims 5, 30, 33 and 37-44 have been canceled, without prejudice or disclaimer of subject matter. Claim 1 has been amended to incorporate the recitations of Claim 5, and Claim 9 has been amended to depend from Claim 1.

An Information Disclosure Statement (IDS) and a corresponding Form PTO-1449 was filed on August 5, 2004, as evidenced by the returned receipt postcard bearing the stamp of the Patent and Trademark Office, a copy of which is attached hereto. In addition, during a telephonic interview on February 28, 2005, the Examiner indicated that a signed Form PTO-1449 corresponding to the August 5, 2004 IDS would be included in the next Office Action (see attached copy of Interview Summary). However, the signed Form PTO-1449 has not yet been received. Accordingly, Applicant again respectfully requests the Examiner to return an initialed copy of the Form PTO-1449, indicating the references cited thereon were considered.

Claims 1, 30, 33, 37, 43 and 44 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. First, cancellation of Claims 30, 33, 37, 43 and 44 renders the rejections of those claims moot. Claim 1 has been carefully reviewed and amended as deemed necessary to ensure that it conforms fully to the requirements of Section 112, second paragraph, with special attention to the points raised in paragraph 3 of the Office Action. Specifically, Claim 1 has been amended to replace the phrase "a plurality of effective pixels" with "an effective pixel," and the phrase "a plurality

of non-image pixels” with “a non-image pixel.” It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Applicant notes with appreciation the Examiner’s indication that Claims 5, 9, 40 and 42 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In keeping with this indication of allowable subject matter, Applicant has amended Claim 1, the base claim of Claim 5, to incorporate the recitations of Claim 5, and Claim 9 to depend from Claim 1. Consequently Claims 1 and 9 are seen to be in condition for allowance. Similarly, since Claims 3, 4 and 6 depend from Claim 1, those claims are also seen to be in condition for allowance.

Claims 1, 3, 4, 6, 30, 33, 37-39, 41, 43 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,330,083 (Nabeshima et al.) in view of U.S. Patent No. 6,034,789 (Kawai). Claims 30, 33, 37-39, 41, 43 and 44 have all been cancelled, and the remaining claims are seen to be in condition for allowance for the reasons noted above. The foregoing actions have been taken without prejudice or disclaimer of subject matter, and without conceding correctness of the rejections, but rather strictly to obtain an earlier allowance and to expedite issuance.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "L.P. Diana", is written over a horizontal line.

Leonard P. Diana  
Attorney for Applicant  
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 525223v1